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13 Counsel for Defendant HARTMAN

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16 IN THE UNITED STATES DISTRICT COURT
17 FOR THE NORTHERN DISTRICT OF CALIFORNIA
18 SAN FRANCISCO DIVISION

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21 UNITED STATES OF AMERICA,
22 Plaintiff,
23
24 v.
25 RICHARD HARTMAN,
26 Defendant.

27 Case No.: CR 20-126 VC

28 **STIPULATION AND [PROPOSED]
ORDER TO CONTINUE STATUS
HEARING TO OCTOBER 27, 2020,
FOR A CHANGE OF PLEA
HEARING AND TO EXCLUDE
TIME**

Hearing Date: Sept. 22, 2020

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28 The above-captioned matter is set on September 22, 2020, at 10:30 a.m., before this Honorable
Court for a status hearing. The parties jointly request that the Court continue this matter to October
27, 2020 for a change of plea hearing and that the Court exclude time under the Speedy Trial Act, 18
U.S.C. § 3161(h)(7)(A) and (B)(iv), between September 22, 2020 and October 27, 2020.

27 Richard Hartman is charged with the possession of child pornography. He made his initial
28 appearance on February 28, 2020, and the magistrate court ordered him released from custody on
March 5, 2020. The government prepared the discovery for production on May 15, 2020, but due to
an issue with the delivery, defense counsel did not receive that discovery until June 3, 2020. At an

1 appearance on August 11, 2020, defense counsel informed the Court that the defense was still
2 reviewing the discovery and needed to conduct an evidence view to confirm the sentencing
3 guidelines and factual basis in the government's proposed plea offer. Defense counsel conducted an
4 evidenced view on August 21, 2020, and counsel recently suggested proposed changes to the plea
5 agreement. In addition, a few weeks after the evidence view, defense counsel requested imageless
6 digital forensic reports of the devices recovered. Because the parties need additional time to establish
7 the factual basis for the plea agreement and to verify relevant conduct regarding the images
8 possessed, the parties respectfully request that the Court continue this case from September 22, 2020
9 to October 27, 2020. The parties request that the Court set this matter for a change of plea hearing.

10 In addition, the parties stipulate and agree that the ends of justice served by this continuance
11 outweigh the best interest of the public and the defendant in a speedy trial. The parties further agree
12 that the failure to grant this continuance would unreasonably deny counsel for Mr. Hartman the
13 reasonable time necessary for effective preparation, taking into account the exercise of due diligence.
14 Accordingly, the parties agree that the period of time between September 22, 2020 and October 27,
15 2020, should be excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§
16 3161(h)(7)(A) and (B)(iv), for effective preparation of defense counsel, taking into account the
17 exercise of due diligence.

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2 IT IS SO STIPULATED.
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4 Dated: September 18, 2020

5 STEVEN G. KALAR
6 Federal Public Defender
7 Northern District of California

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9 /S/
10 Dated: September 18, 2020

11 DAVID L. ANDERSON
12 United States Attorney
13 Northern District of California

14

15 /S/
16 MOLLY SMOLEN
17 Assistant United States Attorney

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,
Plaintiff,
v.
RICHARD HARTMAN,
Defendant

Case No.: CR 20-126 VC

**[PROPOSED] ORDER TO CONTINUE
STATUS HEARING TO OCTOBER 27,
2020 FOR A CHANGE OF PLEA
HEARING, AND TO EXCLUDE TIME**

Based on the reasons provided in the stipulation of the parties above, and for good cause shown, the Court hereby ORDERS that the status hearing date of September 22, 2020, is vacated and reset for a change of plea hearing on October 27, 2020, at 10:30 a.m.

It is FURTHER ORDERED that the time is excluded, pursuant to the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), from September 22, 2020 through October 27, 2020.

IT IS SO ORDERED.

Dated:

**THE HONORABLE VINCE CHHABRIA
United States District Judge**